IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL

Criminal Misc. Application No. 501 of 2006

Bhushan Yadav S/o Lalit Prasad
R/o Village Salempur
Bahadrabad near
Pathari Power House
P.W. Jawalapur
District Haridwar .....Applicant

Vs

State of Uttaranchal ...Opp. Party.

Sri K.S. Verma, learned counsel for the petitioner
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition under Section 482 Cr.P.C. has been filed by the petitioner who claims himself to the registered owners of the Maruti Wagon – R bearing Registration No. UA-08B-7744.

2. Brief facts giving rise to this petition are that four boxes of liquor were found in the vehicle. The vehicle was seized by the police and a case was registered under Section 60/72 Excise Act. The petitioner subsequently moved an application for release of the vehicle but that application was rejected by the Judicial Magistrate, Haridwar vide order dated 21.03.2006.

3. The revision was preferred against the aforesaid order and the same was also dismissed vide judgment and order dated 28.04.2006 passed by the District Judge, Haridwar.

4. Heard Sri K.S. Verma, learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

5. The counter affidavit filed by the State shows that the engine number and chesis number of the vehicle in question is disfigured and not readable. It reveals from the judgment and order passed by the revisional court that the chesis number of the vehicle in question was MA3EED 81800200296-H3 and the engine number was FIDON 3093504 while in the Registration Certificate chesis number has been mentioned as 200296 and engine number has been mentioned as 3093504. The charged number shows that the later parts of the chesis number are same, but it appears that the former part of the number are not readable.

6. However, without entering into the merit of the case, I direct that the vehicle in question be released in favour of the petitioner on furnishing a security to the tune of Rs. 1.00 lacs. The petitioner shall also give an undertaking before the trial court that whenever the vehicle will be required by the court during the course of the trial, he shall produce the same before the court.

7. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.)

17.08.2006
ASWAL